

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

100 SEP 27 P 1:27

ANTHONY BAYAD ,)
)
)
 Plaintiff ,)
)
)
)
 JOHN CHAMBERS, PATRICIA)
 RUSSO, ANTHONY)
 SAVASTANO and CARL)
 WIESE,)
 Defendants ,)

U.S. DISTRICT COURT
DISTRICT OF MASS.

CIVIL ACTION

CASE NO. 04-cv-10468-PBS

HONORABLE DISTRICT JUDGE PATTI E. SARIS

NOTICE OF SUPPORT OF NEWLY DISCOVERED EVIDENCE AND
DECLARATION IN SUPPORT OF NOTICE OF PERJURY AND MOTION

FOR JURY TRIAL DEMANDED

THE 7TH AMENDMENT OF THE U. S CONSTITUTION

I, ANTHONY BAYAD PLAINTIFF PRO SE IN THIS FORGOING ABOVE ACTION MATTER, declare under the pains and perjury, pursuant to 28 U.S.C. § 1746, the following:

1. I am a proud American native North African Morocco, and I came as an Immigrant as the Defendant(s) to the United States of America, a country of the Free and the Brave, a country known of its law(s) and justice of all its

abiding citizen(s), when I was 17 years old I entered legally this country of law(s, on about early 1987 and I reside in the U.S since then. (about 20 years).

2. I have never had any criminal record(s) during my entire life and I have never sued or being sued in any state, federal or at any foreign land, until I met these defend(s) Anthony Savastano and Carl Wiese.

3. I am an honest citizen with moral, I have never committed any sin as I sleep in my bed with a clean conscience under God and I believe in God and I respect every religion.

4. I am a Tax payer (did not pay any taxes since 2001 because I am unemployed), and I voted for the Honorable President Clinton and now I voted for Senator John Kerry and I am a proud Democrat. I love every race as I love every body of every race. I am not racist and I don't comprehend what is racism against humanity and Americans.

.5 I was considered during my employment with Cisco Defendant(s) for multiple sets of phone screening interviews and technology tests by Cisco Europe Manager(s), Thereafter they were very impressed and decided to meet with me in person in three (3) foreign countries, first the United Arab Emirates (city Dubai), France (city Paris),

and England (city Paris), and I passed such screening interviews.

6. I was flown at the expense of Cisco to these three(3) Countries, United Arab Emirate city of Dubai, France city of Paris, and England city of London, on about **November 3, 2000** with **British Airways** at the expenses of Cisco as it was considered an **official Cisco business trip**.

7. I was required to apply for a "**VISA**" (PERMIT) to enter the country the **United Arab Emirate** and Cisco took care of it and one of the visa requirement for me to obtain such a visa is to produce the following : Visa Requirement for U.S Citizens

- (a) Two (2) application forms (The particulars of Sponsor/host section must be filled out)
- (b) An original passport signed by the bearer, valid for at least six month.
- (c) An employment letter stating your position, or if you are self employed, copy of your license, or if you are retired/ home maker/student, letter from you bank stating that your is in good standing.
- (d) The processing fee is \$51 (money order only).

Cisco took care of my visa as I provided to them the entire requirement that is mandated to obtain of such VISA.

8. I was required to be **sponsored** and **Cisco Systems** sponsored me to enter the United Arab Emirates and once again it was at the Expense of Cisco and the Processing fee for the Visa also Cisco paid for it, again Cisco took care of all the paper works necessary to obtain such visa for such country.

9. I include herein copies of the United Arab Emirates Embassy Visa Requirement. ATTACHED HERETO AS EXHIBIT 1.

I attached copies of my U.S passport proving I entered the United Arab Emirates, and the proof of the United Arab Emirates Customs of Immigration that stamped my passport (visa stamp) dated November 5, the of 2000.
ATTACHED HERETO AS EXHIBIT 2.

10. I believe in the above matter to the regard for the Position of North Africa, Bruce Falby introduced and filed a **false Declaration of PAULA HUGHES** who lied pursuant to 28 U.S.C. § 1746 (perjury committed), and stated the following declaration and quoted from page 2 line 4 -5 Docket # 68: ATTACHED HERETO AS EXHIBIT 3.

4. Mr. Bayad alleges that on or about November 2, 2000, while he was employed by Cisco, he applied for a transfer to Cisco Europe for a position as a Systems Manager or a Systems Engineer for Cisco's North Africa Region (the " North Africa Position"), that he was given a oral offer the North Africa position, but that Cisco Corporate headquarters declined to approve the oral offer based upon discriminatory reasons."

5. I have undertaken an exhaust search of Cisco ' s records, and have located "NO" documents, memoranda, vouchers or any other such materials that substantiate Mr. Bayad 's allegations that (1) he applied for the position, (2) he was flown at Cisco ' expense to Europe or to Africa to interview for the position or (3) he interviewed with Cisco engineers for the position. (PAULA HUGHES QUOTED)

11. I am not in any capacity to take action against such individual "**Ms. PAULA HUGHES**", but the Court is obligated to take action at whatever discretion level deemed and appropriate. Paula Hughes and her attorney Bruce Falby has falsified this declaration, and she lied as she

was not "even" employed by Cisco Systems until December 18, 2000 and who was not even involve during my termination with Cisco and **PAULA HUGHES** as she stated on the record in her Declaration and quoted as follows: SEE ATTACHED HERETO AS EXHIBIT 3.

.....

" I PAULA HUGHES, declare under the pain and penalties of perjury, pursuant to **28 U.S.C. § 1746**, the following:

1. I am human Resources manager, World Wide Employee Relations (it is shame that she only speaks English and hold such World Wide position), Employed by Cisco Systems, Inc (" Cisco"). I have worked at Cisco out of its San Jose, California facility since December 18, 2000.

2. in my capacity as Human Resources, I am fully familiar with the facts and circumstances of Cisco' employment policies generally and with respect to Anthony Bayad ' employment specifically."

(PAULA HUGHES QUOTED)

.....

12. I state in this declaration such **record exist** in regard to North Africa Position that was offered to me

and I was denied on discriminatory ground and my name was posted in the **CISCO-NO-HIRE-LIST** a discriminatory animus list, even though I was offered an oral offer and I was flown half the World not just to shake my hand but to be hired , indeed I was hired and I was at Cisco Europe middle East Africa ("Cisco EMA region") and all the Record(S is with Cisco Systems and that proof of fact is easily discoverable if discovery was permitted but unfortunately it was not allowed, and it is proof of genius issues to be brought before the Jury and it is a proof of facts that is contradicting of what Ms. **Paula Hughes** ' declaration states, the Cisco Europe phone records are proof of such facts.

13. I state that I "called" my elderly parent living in the city of **Melrose Massachusetts** form the office of Cisco in the **United Arab Emirates Dubai** to let them know I got the job, and I am not going to be discriminated once again or fired once again from my job at Cisco as I was fired from International Networking Services and from Lucent Technologies, by Defendant Anthony Savastano, who has "spotted" me on about **October 16, 2000** during my business trip to Cisco Headquarters San Jose California, where defendant Savastano work and reside with his buddy Defendant John Chambers; and the record proof I flown to

Cisco Europe , on about **November 3 ,2000**, and the court can draw its conclusion as to why I am fleeing the country to survive and to be able to put food on the table and to pay my bills as an ordinary US citizen and to be able to get married and have children and to pay my outstanding student loans over \$50,000.00, owe to the American people.

ATTACHED HERETO AS EXHIBIT 4 EVIDENCING OF MY CISCO BUSINESS TRAVEL TRIP TO SAN JOSE CALIFORNIA WHERE DEFENDANT ANTHONY SAVASTANO WORK AND RESIDE AND SPOTTED ME THERE.

14. I state in this declaration such record exist and it is with the British Airways proof of fact that I flew with them on about November 3, 4, 5, 6, 7, and 8 the year of 2000 "to" and "from" those three (3) Countries the United Arab Emirates (City Dubai), France (city Paris), and England (city England), the British Airways has such record, additionally Cisco paid for the Airplane Tickets. Such record of proof that I fly to Those countries at Cisco Expenses and it is with Cisco possession.

15. I state in this declaration such record exist and it is a concrete proof of such a fact that on about November **6-7, 2000** item(s) in my luggage were stolen from my trip from the United Arab Emirate Dubai to England London and British Airways personal were notify at upon my arrival at Heathrow Airport , and I filed a complaint in

England and I was reimbursed of a some of \$600 dollars and those records is with the British airways and Cisco American travel services. Also my bank has such records of such **CHECK** issued by **British Airways**. For the lost of my belonging.

16. I state in this declaration that Cisco American Travel Services also the British Airways have the records of the Airplane Tickets that was purchased by Cisco Systems.

17. I state in this declaration that Cisco has the record of the Hotel that they booked me in called **Crown Plaza Hotel Dubai Sheik Zayed al Nahyan Road, City Dubai Country United Arab Emirates**, and Cisco Systems paid for it at their own expenses and copy of my U.S passport was taken as ordinarily process by the hotel an action conducted to all foreign guest, and I stayed in Crown Plaza during my interview and meeting with managers of Cisco systems Dubai and Cisco Systems and the hotel address are:

.....
CROWNE PLAZA HOTEL DUBAI
Sheikh Zayed Road
Dubai, UAE
Tel: 9714 331 1111
Fax: 9714 331 0572
Email: hcpcdxb@emirates.net.ae
Deluxe single/double room about 300dhs. Fifteen minutes from airport.

Cisco Systems Dubai

4rd Floor Building 10, **Sheikh Zayed Road**
P.O. Box 500321, Dubai Internet City
Dubai, DUBAYY
United Arab Emirates

18. I was absent from U.S Cisco Lexington sales 'office during my trip to Europe and Africa and did not take any vacation time called **PTO** , I did not take any **Time OFF** for the **month of November** as I did not, because such trip was Called Business trip for the entire duration of such trip, and I was absent for such duration and was not in the office because my Manager Lynn Fraser was aware and Okayed such trip, being absent will be abandoning my job, and **PAULA HUGHES** admitted that I did not seek or received paid time off (" PTO") or any other time off during my trip of such month of November 2000, and I was paid for such trip because it was considered a business trip and Cisco paid for it and PAULA HUGHES DECLARATION states to following: (re: docket# 68 page 3 line 9) SEE ATTACHED HERETO AS EXHIBIT 3.

" Cisco ' records concerning Mr. Bayad ' employment indicates **that he did not seek or receive paid time OFF** (" PTO") at **any time during the month of November 2000**, when , according to his own allegations, he was traveling in Europe or Africa. Instead, according to Cisco ' s records, **Mr. Bayad received regular pay for performing his usual duties at Cisco's Lexington, Massachusetts facility**. Attached hereto as Exhibit B is a true and **correct copy of Cisco ' complete records regarding Mr. Bayad ' PTO for the May 1, 2001 period of his emplyment with Cisco.**" (**PAULA HUGHES QUOTED**)

19. I state that Manager Lynn Fraser was contacted by Hiring Manager(s) of Cisco Europe Middle East Africa (" CISCO EMA REGION") who proceeded with the job interview and the travel expenses that Cisco paid for it, otherwise the Cisco hiring Managers of the Cisco EMA region will not proceed of interviewing and flying me, additionally I was absent for such trip about a week duration, and being absent for such period of time I will be immediately terminated on the spot if the Ok from my manager was not granted as it was granted to me and for me to be flown to Europe and Africa.

20. I state that My manager was aware that I will be denied the System Engineer position for North Africa region because when I was spotted on **October 16, 2000** by Defendant Savastano an Executive of Cisco, I advised my Manager that I was discriminated against by him while I was employed with him at Lucent Technologies and that I am very afraid of him.

SEE ATTACHED HERETO AS **EXHIBIT 4** EVIDENCING, WHEN SPOTTED OCTOBER 16, 2000 MY TRAVEL TO SAN JOSE CALIFORNIA CISCO HEADQUARTERS.

21. I state that I issued a formal complaint according to Cisco open policy against Anthony Savastano who posted my name in **CISCO-NO-LIST** when I was denied the Systems Engineer position for North Africa Region by posting my name in the **CISCO-NO-HIRE-LIST**, and that they need to clear my name from the

Cisco-No-Hire-list, and I Communicated with them using Cisco email and Cisco inter-mail on about November 29, 2000, to John Chambers, Rick Justice, Kate Dcamp, Celia Harper.

ATTACHED HERETO AS **EXHIBIT 5** A LETTER OF COMPLAINT AGAINST DEFENDANT SAVASTANO THE DISCRIMIANTORY ACT THE CISCO-NO-HIRE-LIST).

22. For all the forgoing above matter and I state in this declaration that I did not have time nor given the time nor given an opportunity to write a letter to British Airways and the crown Plaza hotel to get the records because the Magistrate Judge did not help me in that task as it is my rights to obtain Subpoena(s) or at least the Magistrate should ordered the Attorney Bruce Falby to provide them to me and to the Court at my expense, unfortunately that was not the case and now it did prejudiced me.

23. I state in this declaration that the law or the case law(s) as I am not a Lawyer but just a Pro Se that law state the following as quoted from the ruling of the case of *In McLaughlin Transportation Systems, Inc. vs. Barbara Rubinstein*, Civil Case No. **03-11545- MBB, Magistrate Judge Bowler Presiding** ordered and stated in page 18 the following:

" . . . all reasonable inferences must be made in the light most favorable to the non-moving party. *Barbour v. Dynamics Research Corp.*, 63 F.3d 32, 36 (1st Circuit).

24. I state in this declaration as I understand from ~~the presiding Judge Bowler~~ that the [w]eighting of the evidence and the drawing of legitimate inference facts in the light most favorable of ~~the nonmoving party I , the NOMOVING (ME) Bayad; re: Civil Case No. 03-11545-~~, and therefore the ~~Magistrate Judge Bowler~~ should provide me with such right.

25. I state in this declaration as I am not a lawyer that [T]hey cannot convert their Motion to Dismiss once before introduced under the Rule 12 to Motion for Summary Judgment without a proper time allowed for discovery as proscribed by the Law and the Court and by doing so , [t]hey evade the legal proceeding in this case that is prejudicing me.

26. I state in this declaration as I am not a lawyer but only a Pro Se that attorney(s) and Defendant(s) at different times in this litigation on the record(s) and was proven of such action, they have given different and arguable inconsistent explanation for discriminating against me , and such statements were introduced under declaration(s) under the pains and penalties of perjury, pursuant to 28 U.S.C.S 1746; and such statement were lies; and it is a prove that articulated reason of a race discrimination.

Dominguez-Cruz v. Shuttle Caribbean, Inc. 202 F.3d 424, 431-32 (1st Cir.).

27. I state in this declaration as I am not a lawyer but

only a Pro Se that Defendant(s) and their Attorney(s) have failed to carry the burden of proof, by producing evidence of legitimate, nondiscriminatory reason for its action and therefore summary judgment must not be allowed and full course to trial by Jury is required accordingly the 7th amendment of the Constitution of the United States of America.

28 I state in this declaration that Defendant **CARL WIESE** an **AREA VICE PRESIDENT U.S SALES OF CISCO** file his declaration by lying in it that his not **AREA VICE PRESIDENT U.S SALES OF CISCO** and that his **Area Vice president for Advance Technology of Cisco** and filed this misleading and lying statement and declared it pursuant to 28 U. S. C. § 1746, docketed before this court Docket.# 68, also attached herein as **Exhibit 6** for the convenience of the Court to review, Defendant Carl Wiese declared under the pains and penalties of perjury, pursuant to 28 U.S.C § 1746, the following:

.....
" I CARL WIESE, declare under the pains and penalties of perjury, pursuant to 28 U.S.C. § 1746, the following:

1. I am the **Area Vice president for Advance Technology** with Cisco Systems, Inc. ("Cisco"). I have worked at Cisco at its Edison, New Jersey facility since August 27, 2002.
2. I submit this declaration in support of the Motion for Summary Judgment of myself, John Chambers and

Anthony Savastano in connection with the captioned matter

5. Although I knew Mr. Bayad when we both worked at Lucent in 1997, I did not interact in any way with Mr. Bayad during the period of his employment with Cisco or at any time thereafter." **(CARL WIESE QUOTE)**

29 state in this declaration that the Record of Cisco Directory provided by Cisco Systems and submitted and filed with the Court with the complaint on May 16, 2004, docketed **(Dkt.1 Exhibit R)** and attached herein as **Exhibit 7** for the convenience of the Court to Review, contradicting his Declaration and evidencing of his real Title with Cisco is **"Area Vice president U.S Sales of Cisco"** and absolutely not an **"Area Vice President for Advance Technology"** as was provided by his Attorney Bruce Falby.

30. I state in this declaration that **that Dkt.1 Exhibit(s) R**, has the complete Defendant(s)' Cisco personal information in support of the perjury and falsification of declaration in the above caption matter in Chambers et, al. and the Cisco directory that is used by Cisco to identify its employees. **Exhibit 8** is the copies for such Cisco Directory of Defendants Anthony Savastano, Carl Wiese, John Chambers, Bob Tracy, Lynn Fraser, Brian Low, Jerremy Nooman and my self Anthony Bayad.

31. I state in this declaration that attorneys have

Once destroy evidence in this proceeding and the **UNITED STATES JUSTICE DEPARTMENT** WAS NOTIFIED, WHEN [t]hey were caught sending internal correspondence of e-mail(s) to destroy evidence in this litigation of an Exhibits (AVAYA DOCUMENT) was attached to the My complaint Dkt1. that was filed once before of proof that Defendant was in constant communication from Lucent with his friend at Cisco, Mr. Dale Ronowski SE Manger of Sales, and Defendant Anthony Savastano and others and were given them trade secret while waiting to be hired by Cisco. Attached is Exhibit 9 of the official letter of complaint to the United States Justice Department; and They were quoted from their Cisco Correspondence (obstructing Justice) as follow:

“ . . .to ensure that Cisco employees meet our company’ high ethical standards and act in accordance with the law, do not forward this document. Please destroy any hard copies of this document, including any soft copies stored on your computer’s hard drive or in you email box . . .”

Thereafter the United States Justice department and the Court were notified, The LAW FIRM DLA PIPER RUDNICK ISSUED A PUBLIC STATEMENTS OR PAPERS TITLED AS FOLLOW: **Attached Exhibit 9 hereto**

***** PIPER RUDNICK *****

Labor and Employment Law Alert
Preserving, protecting and Producing Electronic Data

and now they are doing the same illegal conduct with the CISCO-NO-HIRE-LIST, THE DISCOVERY, AND LYING TO THE MAGISTRATE JUDGE AND INFLUENCING HER TO TAKE ME DOWN AND DESTROY ME. DEFENDANT(S) AND THEIR ATTORNEYS(S) ARE LOST IN THIS LITIGATION AND I AM NOT GOING ANYWHERE UNTIL JUSTICE PREVAIL AND IT WILL PREVAIL BECAUSE I INTRODUCE CONCRETE EVIDENCE AND DEFENDANT(S) AND THEIR ATTORNEY(S) PROVIDE OPINIONS WITH FORMALITIES IN THE FORGOING ABOVE CAPTION MATTER.

32. I state in this declaration as I am not a lawyer but only a Pro Se that when evidence that a lawyer such as falby knows to be false and is provided by his Defendant such Carl Wiese , "Mr.Flaby" [t]he Lawyer must refuse to offer any false declaration(s) or false statement(s) regardless of Cisco Client(s) and this include Paula Hughes or Defendant Carl Wiese 's wishes. (please see the Massachusetts Professional Ethics guidelines).

33. I state in this declaration as I am not a lawyer but only a Pro Se that my understanding of misrepresentation fact, and lying in declaration , and committing perjury define as follow :

(1) Perjury is the "willful and corrupt taking of a false oath in regard to a material matter in a judicial proceeding". It is sometimes called "lying under oath"; that is, deliberately telling a lie in a courtroom proceeding after having taken an oath to tell the truth. It is important that the false statement be material to the case at hand—that it could affect the outcome of the case.

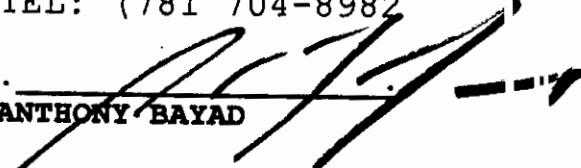
(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he or she does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

34. I am unemployed and living under the poverty line set forth by the guidelines of Massachusetts, and because of these Defendants Carl Wiese I am not married nor I have children, For me and my parent Children are the most important in our lives more than any fortune in the world and family is my priority and the reason for these are these defendant whom are not letting me alone and letting me to work for I can support my family of my own that I don't have and build a family of my own that I cannot

support even I am very educated and an expert in the field of Telecommunication of the era for High tech technology.

35. I pray to the honorable Court or to any human being presiding in above caption matter to examine and conclude that I Plaintiff Pro Se, proved my PRIMA FACIE AND THE BURDEN OF PROOF fall on the defendant(s), [t]hey failed to carry the burden of proof, by producing evidence of legitimate, nondiscriminatory reason for its action and therefore summary judgment must not be allowed and full course to trial by Jury is required accordingly the 7th amendment of the Constitution of the United States of America.

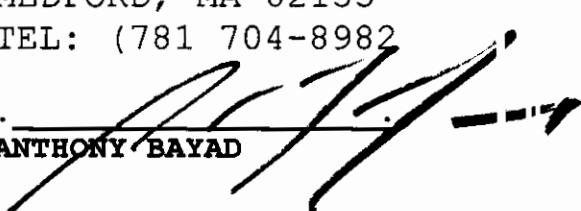
ANTHONY BAYAD
2 MAGOUN AVENUE
MEDFORD, MA 02155
TEL: (781) 704-8982


ANTHONY BAYAD

CERTIFICATE OF SERVICE

It is hereby Certify that a true and correct copy Plaintiff Pro Se ' Declaration of Notice of perjury and motion for jury trial demanded, was furnished via U.S mail to : Mr. Bruce E. Falby, BBO # 544143, DLA Piper Rudnick Gray Carry, One International Place, Boston MA 02110, this 27 day of September 2005

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ANTHONY BAYAD